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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/997,142	12/23/97	ISMAN	M 07470020001

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LM02/0203

EXAMINER

ZHEN, W

ART UNIT	PAPER NUMBER
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2762

DATE MAILED: 02/03/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/997,142

Applicant(s)  
Marshall A. Isman

Examiner  
Wei Zhen

Group Art Unit  
2762



☒ Responsive to communication(s) filed on Dec 23, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3, 5, 7, and 9 is/are rejected.

☒ Claim(s) 4, 6, 8, and 10 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2762

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3, 5, 7 and 9 are rejected under 35 U.S.C. § 101 because the claims are directed to non-statutory subject matter such as a mathematical algorithm or an abstract idea without a practical application.

Claim 1-3 and 5 are method claims and are a series of steps. The results of these steps is measurement of data and data gathering, they don't have any practical application. Treating the process that performs the recited steps indicates that it does manipulate an abstract idea without a practical application. Therefore, they are not statutory.

Claim 7 is a computer program claim and also have a series of steps. The results of these steps is measurement of data and data gathering, they don't have any practical application. Treating the process that performs the recited steps indicates that it does manipulate an abstract idea without a practical application. Therefore, it is not statutory.

Claim 9 is a computer readable storage medium claim and also have a series of steps. The results of these steps is measurement of data and data gathering, they don't have any practical

Art Unit: 2762

application. Treating the process that performs the recited steps indicates that it does manipulate an abstract idea without a practical application. Therefore, it is not statutory.

***Allowable Subject Matter***

2. Claims 4, 6, 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gilbert et al disclose method of compilation optimization using an N-dimensional template for relocated and replicated alignment of arrays in data-parallel programs for reduced data communication during execution.

- Rao et al disclose analyzing an image showing a node-link structure.

- Balasa et al disclose background memory allocation for multi-dimensional signal processing.

- Afrati et al disclose performance consideration on a random graph model for parallel processing.

Art Unit: 2762

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Zhen whose telephone number is (703)305-0437.

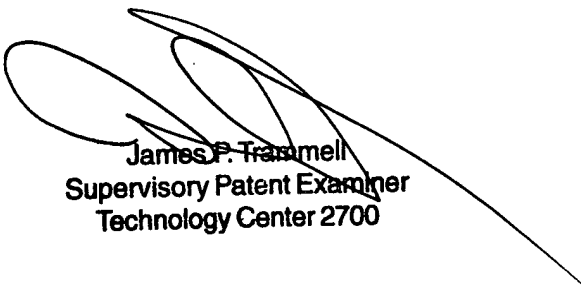
The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tariq Hafiz can be reached at (703) 305-9643. The fax number for this group is ((703)308-5397.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)305-9600.

Wei Zhen

1/28/1999



James P. Trammell  
Supervisory Patent Examiner  
Technology Center 2700